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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,618	07/16/2003	James Jopling	P68150US1	7302
136	7590	01/21/2005	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			LUONG, SHIAN TINH NHAN	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/619,618	Applicant(s) Jopling	
	Examiner Shian T Luong	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/15/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. Claims 2-4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a spacing between a periphery of said tablets and an interior of said cylindrical walls being between .015 and .030 inches to easily receive and releasably retain said glucose tablets” is indefinite. The tablet has not been claimed in combination with the storage container. Hence, the distance as claimed is not ascertainable. Also, the term “overly said housing bridge section” renders the claim indefinite because the examiner is uncertain to the limitation applicant intends to claim. In claim 4, applicant further defined the key holder but applicant has not claimed in the key holder in the previous claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2-4,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitcomb (US 1,345,359) in view of William (US 4,412,616) and Page (US 4,543,798) and Robertson (US 395,515) and Official Notice. Page discloses a housing member and a cover member 10. Said housing member having two sections 5,6, each of the sections including an open top, a closed bottom and a wall extending between said top and said bottom to form a cavity. The sections are

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separated and joined by a housing bridge section 4 carrying one part of an interlocking retaining means, which is the upper edge of element 4, and the channel of element 24. The cover member having two covers corresponding to the two separate housing. The covers extend over the respective housing and thereby cover the housings by the respective flanges 11. The cover has an element 21 that interlocks with elements 4,24 to attach the cover member to the housing member.

The compartments or the sections of the housing member do not appear to be cylindrical, but it is notoriously known to make the compartments out of any variety of shape and size to accommodate the article. Hence, even though the container does not have the wave shape sidewall, which appears for aesthetic purpose, the shape of the article does not alter the function of the container. Therefore, it would have been obvious to make the compartments cylindrical to better accommodate the articles 6,7.

Applicant also required the compartment to be a predetermined size with respect to the article. But applicant has not claimed the article in combination with the container. In addition, alteration in size is an obvious feature for an artisan in the container art, especially for a known article.

Whitcomb does not disclose two separate covers. Williams teaches a multi-compartment case and cover. The multi-compartment case has two compartments 20,21. A bridge section 18 separates the compartments. A cover 29 has two separate cover sections 30,35. The cover section 35 is hingedly connected to an area situated between the two cover sections. This particular area has engagement or interlocking elements for engaging the corresponding interlocking element on element 18. The separate covers allow individual access of the

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compartment. Page also teaches a carrier with a case and a cover. The cover also has two separate doors 50,52 pivotally mounted by hinges 56,57 to a bridge section 54. The user can selectively access the compartments. The cover is frictionally engaged to the container housing. Therefore, it would have been obvious in view of page and Williams to provide two separate doors to allow a user to selectively access the compartment without interfering with the other compartment.

Whitcombs also does not disclose a connecting means. But Robertson shows a cylindrical container with a connecting means a1, a2. The connecting means has an aperture to allow a flexible chain to be attached. It would have been obvious in view of Robertson to provide a connecting means for ease of transportation.

Response to Arguments

4. Applicant's arguments with respect to claims 2-4,14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The **Group clerical receptionist number is (703) 308-1148** or the **Tech Center 3700 Customer Service Center number is (703) 306-5648**.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Donna Monroe at (703) 308-2209.

For applicant's convenience, the formal FAX number is (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.


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January 18, 20052005


Primary Examiner
Shian Luong
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